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5 Attorneys for Plaintiff  
6 HDI-GERLING AMERICA INSURANCE  
COMPANY

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO

11 HDI-GERLING AMERICAN INSURANCE )  
COMPANY, a New York Corporation , )

12 )  
13 Plaintiff, )

14 vs. )

15 HOMESTEAD INSURANCE COMPANY, a )  
Pennsylvania Corporation; GREAT )  
16 AMERICAN E&S INSURANCE )  
COMPANY, an Ohio Corporation, formerly )  
17 known as AGRICULTURAL EXCESS AND )  
SURPLUS INSURANCE COMPANY, and )  
18 DOES 1-10, )

19 Defendants. )  
20

CASE NO.: CV08-1716 PJH

**STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS**

21 Counsel report that they have met and conferred regarding ADR and have reached the  
22 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

23 The parties agree to participate in the following ADR process:

24 **Private Process**

25 Private ADR options are actively being considered by the parties at this time, and when  
26 selected the Court will be advised.

27 It is anticipated that dispositive motions will be filed aimed at resolving the remaining issues  
28 in the litigation. Therefore, the parties believe that the presumptive deadline for holding ADR

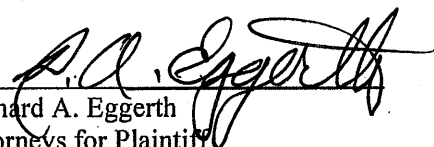
1 sessions within 90 days from the date of the order would be an untimely method for attempting to  
2 resolve the remaining claims. Instead, the parties propose that the deadline for any agreed ADR  
3 process should be after dispositive motions have been filed. Accordingly, the parties propose the  
4 following deadline:

5 Deadline for ADR session: To be completed no later than 30 days after the parties have  
6 filed dispositive motions.

7 In the event that the ADR session does not resolve the remaining claims, then oppositions to  
8 any dispositive motions will be due 14 days after the parties advise the Court that the ADR  
9 was unsuccessful, and reply pleadings will be due 10 days after the opposition pleadings are  
10 filed and served.

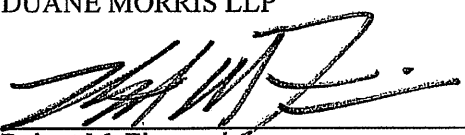
11  
12 DATED: July 17, 2008

MORALES, FIERRO & REEVES

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15 Richard A. Eggerth  
16 Attorneys for Plaintiff  
HDI-GERLING AMERICA INSURANCE  
COMPANY

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18 DATED: July 17, 2008

DUANE MORRIS LLP

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21 Robert M. Fineman  
22 Attorneys for Defendant  
GREAT AMERICAN E&S INSURANCE  
COMPANY

23 DATED: July 17, 2008

CHARLSTON REVICH & WOLLITZ LLP

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27 Allan J. Favish  
28 Attorneys for Defendant  
HOMESTEAD INSURANCE COMPANY

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MORALES, FIERRO & REEVES

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16 Richard A. Eggerth  
17 Attorneys for Plaintiff  
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Attorneys for Defendant  
GREAT AMERICAN E&S INSURANCE  
COMPANY

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26 *Allan J. Favish*  
27 Allan J. Favish  
28 Attorneys for Defendant  
HOMESTEAD INSURANCE COMPANY

**[PROPOSED] ORDER**

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Private ADR

Deadline for ADR sessions:

As proposed by the parties, above.

IT IS SO ORDERED.

Dated: July \_\_, 2008

UNITED STATES MAGISTRATE JUDGE